

House Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 65

HOUSE BILL 2211

AN ACT

AMENDING SECTION 32-2311, ARIZONA REVISED STATUTES; RELATING TO THE OFFICE OF
PEST MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-2311, Arizona Revised Statutes, is amended to
3 read:
4 32-2311. Persons not required to be licensed; civil penalties;
5 definition
6 A. This chapter does not apply to:
7 1. Persons licensed or certified pursuant to title 3, chapter 2,
8 article 6.
9 2. Persons applying pesticides on property that they own and occupy.
10 3. Authorized representatives of any educational institution engaged
11 in research in the study of pest management or a state agency engaged in
12 research or the study of pest management.
13 4. Employees of political subdivisions or their designated agents
14 while performing emergency response or rescue services.
15 5. Persons using a nonrestricted, ready to use disinfectant, sanitizer
16 or deodorizer.
17 6. Except as provided in section 32-2307, persons who are conducting
18 lawn, garden, shrub or tree maintenance and who apply herbicides for the
19 purpose of weed management. This exemption does not apply to:
20 (a) The use of herbicides that are labeled with the words "restricted
21 use" or "danger" and that are not commercially available to the general
22 public.
23 (b) The use of sterilants.
24 (c) Persons who offer weed management as their primary service.
25 (d) Persons who use application equipment that holds more than eight
26 gallons of total mixed liquid herbicide.
27 (e) Persons who use more than twenty-five pounds of a nonliquid
28 herbicide.
29 (f) Persons who do not follow label and labeling directions.
30 7. A utility and the utility's employees if pest management services
31 are needed for an employee's health and safety in order for the employee to
32 continue performing work tasks.
33 8. EXCEPT AS PROVIDED IN SECTION 32-2307, VOLUNTEERS OF POLITICAL
34 SUBDIVISIONS WHO APPLY HERBICIDES FOR THE PURPOSE OF THE ERADICATION AND
35 CONTROL OF NOXIOUS WEEDS AS DEFINED IN SECTION 3-201 AND WHO ARE UNDER THE
36 IMMEDIATE SUPERVISION OF A LICENSED APPLICATOR. THIS EXEMPTION DOES NOT
37 APPLY TO:
38 (a) THE USE OF HERBICIDES THAT ARE LABELED WITH THE WORDS "RESTRICTED
39 USE" OR "DANGER" AND THAT ARE NOT COMMERCIALY AVAILABLE TO THE GENERAL
40 PUBLIC.
41 (b) THE USE OF STERILANTS.
42 (c) VOLUNTEERS OF POLITICAL SUBDIVISIONS WHO USE APPLICATION EQUIPMENT
43 THAT HOLDS MORE THAN EIGHT GALLONS OF TOTAL MIXED LIQUID HERBICIDE.
44 (d) VOLUNTEERS OF POLITICAL SUBDIVISIONS WHO USE MORE THAN TWENTY-FIVE
45 POUNDS OF A NONLIQUID HERBICIDE.

1 (e) VOLUNTEERS OF POLITICAL SUBDIVISIONS WHO DO NOT FOLLOW LABEL AND
2 LABELING DIRECTIONS.

3 (f) VOLUNTEERS OF POLITICAL SUBDIVISIONS WHO HAVE NOT COMPLETED AN
4 OFFICE OF PEST MANAGEMENT APPROVED HERBICIDE APPLICATION TRAINING PROGRAM
5 CONDUCTED BY THE POLITICAL SUBDIVISION.

6 B. An employee of a political subdivision who engages in pest
7 management:

8 1. Is not required to be licensed under section 32-2313 or 32-2314.

9 2. Must be licensed as an applicator under section 32-2312, except as
10 provided by subsection A, paragraph 4 of this section.

11 C. A person who is exempt pursuant to subsection A, paragraph 6 of
12 this section shall provide treatment records to each customer on application
13 of herbicides for the purpose of weed management and shall retain records
14 containing the same information provided to customers. For the purposes of
15 this subsection, treatment records shall include all of the following:

16 1. The address of the location of the herbicide application.

17 2. The date of the herbicide application.

18 3. The trade name or common name of the herbicide applied.

19 D. If a person is exempt pursuant to subsection A, paragraph 6 of this
20 section but does not comply with subsection C of this section or if a person
21 is not licensed under this chapter and the person is not exempt pursuant to
22 subsection A, paragraph 6 of this section as a result of doing something
23 prescribed in subsection A, paragraph 6, subdivisions (a) through (f) of this
24 section, the acting director shall:

25 1. On a first violation, issue a written notice of correction that
26 contains a warning and a copy of this section and that provides full notice
27 of the exemption requirements.

28 2. On a second violation, impose a civil penalty of not more than two
29 hundred fifty dollars.

30 3. On a third or any subsequent violation, impose a civil penalty of
31 not more than five hundred dollars.

32 E. VOLUNTEERS OF POLITICAL SUBDIVISIONS WHO ARE NOT WORKING UNDER THE
33 IMMEDIATE SUPERVISION OF A LICENSED APPLICATOR MAY BE SUBJECT TO SECTION
34 32-2304, SUBSECTION D, PARAGRAPH 12.

35 F. FOR THE PURPOSES OF THIS SECTION, "VOLUNTEERS OF POLITICAL
36 SUBDIVISIONS" MEANS PERSONS WHO WORK WITHOUT COMPENSATION OTHER THAN
37 REIMBURSEMENT OF ACTUAL EXPENSES INCURRED OR DISBURSEMENT OF MEALS OR OTHER
38 INCIDENTAL BENEFITS.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.